

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
LAFAYETTE DIVISION**

Drill Cutting Disposal Co. LLC

Civil Action No. 6:15-cv-02532

versus

Judge Richard T. Haik, Sr.

Lynn, et al

Magistrate Judge Carol B. Whitehurst

ORDER REGARDING JURISDICTION

The record shall reflect that this Court reviewed the pleadings to determine whether the requirements for diversity and/or federal question jurisdiction have been satisfied.

Plaintiff brings this action to vacate the arbitrator's order from arbitration of the defendants' FLSA collective action claims performed under the Federal Arbitration Act ("FAA"). The FAA "creates a body of federal substantive law ..., yet it does not create any independent federal-question jurisdiction." *Moses H. Cone Mem'l Hosp. v. Mercury Constr. Corp.*, 460 U.S. 1, 24 at 25 n. 32. Therefore, a court may only hear a motion to vacate an arbitration award if diversity of citizenship or a federal question exists. *Id.* Plaintiff in the above-captioned case is a Louisiana citizen, defendants are citizens of Texas, and the amount in controversy of the collective action which included wages for "Day Rate Workers" for "at least the past three years" as well as "reasonable attorneys' fees, costs and expenses," exceeded \$75,000. Therefore, diversity of citizenship jurisdiction pursuant to 28 U.S.C. § 1332 exists.

Alternatively, the Court finds jurisdiction over this action pursuant to *Stolt–Nielsen, S.A. v. Animal Feeds Int'l Corp.*, 559 U.S. 662 (2010). *See International Bancshares Corp. v. Lopez*, 57 F.Supp.3d 784, 787 (S.D.Tex.,2014).

Signed at Lafayette, Louisiana, this 14th day of January, 2016.

A handwritten signature in black ink, appearing to read "Carol B. Whitehurst".

CAROL B. WHITEHURST
UNITED STATES MAGISTRATE JUDGE